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CIVIL AND POLITICAL RIGHTS

PROMOTION AND PROTECTION OF HUMAN RIGHTS

Commission resolutions 2001/36, 2001/41 and 2001/65

Note by the Secretariat

1. In accordance with Commission on Human Rights resolutions 2001/36, entitled "Strengthening of popular participation, equity, social justice and non-discrimination as essential foundations of democracy", 2001/41, entitled "Continuing dialogue on measures to promote and consolidate democracy", and 2001/65, entitled "Promotion of a democratic and equitable international order", Member States' attention was drawn to those resolutions in a note verbale dated 18 June 2001. The resolutions were also widely disseminated to relevant United Nations organizations, intergovernmental and non-governmental organizations, and to the human rights treaty bodies and Commission mechanisms.

2. In response to an invitation for comments or information, the Office of the High Commissioner for Human Rights received replies from the Governments of Azerbaijan, Cuba and Turkey and from UNAIDS. These replies are contained in the annex to the present document.*

* Reproduced in English only.

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Annex

AZERBAIJAN

[14 September 2001]
[Original: Russian]

Information concerning the provisions contained in Commission on Human Rights resolutions 2001/36, 2001/41 and 2001/65

According to the Constitution of the Azerbaijan Republic, the protection of human rights and freedoms, without distinction as to race, nationality, religion, language, sex, origin, beliefs, political or social status and other considerations, is the supreme goal of the State.

The Azerbaijan Republic confirms its unswerving commitment to the right of peoples to self-determination, freely to determine their political status and freely to pursue their economic, social and cultural development.

Article 16 of the Constitutional Act concerning the State independence of the Azerbaijan Republic reads: "The Azerbaijan Republic, in accordance with the generally recognized rules of international law, bases its relations with other States on the principles of the sovereign equality of States, abstention from the use of force or the threat of force, the inviolability of State frontiers, the settlement of disputes by peaceful means, non-interference in the domestic affairs of other States, respect for human rights and fundamental freedoms, the equality of peoples and their right to self-determination, cooperation between States and the conscientious fulfilment of international legal obligations."

Article 2 of the Constitution enshrines the sovereign right of the people of Azerbaijan freely and independently to decide their fate and to establish their own form of government.

The people of Azerbaijan exercise this right through referendums and through their representatives elected on the basis of universal, equal and direct suffrage by secret ballot.

The Azerbaijan Republic is firmly convinced of the need to give unstinting support to peoples struggling for their liberation and the restoration of their fundamental rights, the most important of which is the right to self-determination.

At the present time, the question of concrete instances of the application of self-determination and the limits within which it should be applicable is becoming an increasingly complex and difficult matter.

In this the most complex problem is the harmonious combination and reconciliation of the principle of the right of peoples to self-determination with the principle of the territorial inviolability of States.

The practical realization of the right to self-determination must not be interpreted as grounds for encroaching on the territorial integrity, national unity and ethnic harmony of an

independent State. The Azerbaijan Republic is in favour of giving the right of peoples to self-determination its original and authentic signification, which does not erode but on the contrary strengthens the national independence, sovereignty and territorial integrity of States whose Governments reflect the interests of the whole population without any discrimination whatsoever.

Events taking place in the world bear witness to the fact that the absence of a clear-cut approach by the international community to the question of self-determination, its limits and the instances in which it should be applied is leading to the creation of an explosive situation and inter-ethnic strife. For that reason only a strengthening of the fundamental principles contained in the Charter of the United Nations regarding the relations between States can decrease the threat of ethnic dislocation and tension. The best defence against that threat is genuine democracy and a representative political system open to participation by all citizens, including those belonging to minorities.

As ideological and other barriers to mutually advantageous cooperation are overcome, new challenges to security and stability arise. There is an increased risk of aggressive nationalism, religious and political extremism, terrorism and separatism. The Azerbaijan Republic shares the anxiety of the world community in regard to the tendency that has been noted towards interpreting the right to self-determination as a right for any ethnic or religious grouping to set up its own State structures.

Article 25, paragraph 1, of the Constitution of the Azerbaijan Republic enshrines the principle that everyone is equal before the law. Under this article the State guarantees the equal rights and freedoms of everyone, regardless of race, nationality, religion, language, sex, origin or property status. Limitations of human and civil rights and freedoms because of race, nationality, religion, language, sex, origin, social or other status are prohibited. It should be pointed out that in the new Criminal Code of the Azerbaijan Republic in chapter 16, section 4 entitled "Offences against peace and the security of mankind", the relevant articles provide for sanctions for the commission of acts directed at the full or partial elimination of a national, ethnic, racial or religious group by means of the killing of members of that group, serious impairment of their physical or mental health, the creation of living conditions aimed at the full or partial physical elimination of members of such a group, the implementation of measures aimed at the prevention of births within the group, forcible transfer of children belonging to one group to another, genocide (art. 103), citement to commit genocide (art. 104), persecution of any group or organization on political, racial, national or ethnic, cultural or religious grounds, on account of sex or on other grounds prohibited by international law (art. 109), actions committed with a view to organizing and ensuring the supremacy of one racial group for the suppression of another racial group, or the denial of the rights of members of a racial group or groups to life and freedom (racial discrimination - apartheid, art. 110). The Code of Criminal Procedure, Code of Civil Procedure, Code of Administrative Offences, Labour Code and other legislative instruments provide for the equality of all citizens before the law without distinction on any of the grounds listed in article 25 of the Constitution.

In this connection we would point out that, along with the domestic laws governing this question, Azerbaijan also applies the rules of the United Nations conventions to which it has acceded as of 31 May 1996, including the United Nations Convention on the Suppression and

Punishment of the Crime of Apartheid, adopted on 30 November 1973, and the United Nations Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948.

The Azerbaijan Republic has acceded to the United Nations Convention on the Elimination of All Forms of Racial Discrimination on the basis of Act No. 95-10, adopted by the Milli Mejlis (Parliament) and signed by the President of the Azerbaijan Republic on 31 May 1996. The International Convention on the Elimination of All Forms of Racial Discrimination entered into force for the Azerbaijan Republic on 15 September 1996.

In accordance with article 9, paragraph 1, thereof the Azerbaijan Republic prepared and submitted on 16 November 1998 its initial report under the Convention to the Committee on the Elimination of Racial Discrimination.

Under the Constitution and legislation of the Azerbaijan Republic, racial discrimination is prohibited in Azerbaijan. The recognition, enjoyment and implementation, based on equality, of human rights and fundamental freedoms in political, economic, social, cultural and all other areas of social life is encouraged and protected.

The State guarantees equal rights and freedoms to all, irrespective of race, skin colour, tribal, national or ethnic origin, or other distinctions. Moreover, it prohibits the limitation of human and civil rights and freedoms on any of the aforementioned grounds (art. 25, sect. III).

It should be pointed out that as a result of the continuing armed aggression by the Republic of Armenia against the Azerbaijan Republic, Armenian armed forces occupied more than 20 per cent of Azerbaijani territory and hundreds of thousands of families have been forced to leave their homes. More than one million refugees from Armenia and forcibly displaced persons from the Azerbaijani territories seized by Armenian armed units have settled in 58 towns and districts throughout Azerbaijan. As a result of Armenian aggression the State of Azerbaijan has suffered great physical and moral injury and hundreds of thousands of Azerbaijanis have been deprived of their human rights.

Owing to the economic crisis, most people have lost their jobs and other sources of income, thus creating an atmosphere of social apathy.

In this connection, approximately 30 laws and over 30 Presidential decrees and orders on strengthening the protection of the social rights of the population have been adopted in recent years in Azerbaijan. Particular emphasis is laid on job placement, especially for indigent persons, refugees, forcibly displaced persons and the disabled.

The State Programme for the Prevention of Disability and the Rehabilitation of Disabled Persons, which is being systematically applied, maps out a national strategy for the medical and social rehabilitation, employment and education of disabled people and the protection of their social rights.

According to article 16 of the Constitution of the Azerbaijan Republic the main goal of State social policy is to create equal opportunities for all citizens by extending the State's social welfare systems, ensuring an improvement in the well-being of everyone and, on the whole,

establishing a society based on social justice. In a number of social security measures a leading place is assigned to the provision of pensions, which is governed by the Azerbaijan Republic Pensions Act of 23 September 1992.

The Decree of the President of the Azerbaijan Republic of 26 August 1994, entitled "Strengthening of the social protection of persons disabled in defending the Azerbaijan Republic against the Armenian aggression", grants monthly allowances to the disabled according to their disability group.

Provision is made in Azerbaijan for the payment of allowances and indemnities to persons in need of social protection: cash benefits for non-working pensioners to make up for the increased cost of certain products and services, allowances for poor families with children, allowances for persons who have suffered as a result of the armed aggression of Armenia against Azerbaijan or of the disaster at the Chernobyl nuclear power station, and for the children of displaced persons, etc. Thus, a Presidential Order of 22 May 1996 on increasing benefits for disadvantaged families and a Presidential Order of 24 December 1999 on strengthening the social protection of non-working pensioners as well as a Cabinet of Ministers decision of 5 May 1995 on strengthening the social protection of disadvantaged strata of the population, established a monthly pecuniary indemnity for pensioners on social welfare or not working and for daytime students in State higher and secondary educational establishments, and vocational and technical schools for each child under 16 years of age in families whose monthly income does not exceed three times the minimum monthly wage.

One of the main problems confronting Azerbaijan today has already been alluded to, namely the presence in the country of a large population of refugees and temporarily displaced persons.

Specific measures are being taken to ameliorate the situation of refugees and forcibly displaced persons. A State Commission was established pursuant to a Presidential Order of 1 July 1998 on the formulation of a national programme to address the problems of refugees and forcibly displaced persons, and the national programme itself was ratified by an order of 17 September 1998. There is also a National Commission on International Humanitarian and Technical Assistance, established by Presidential Decree.

The legal status of refugees and displaced persons is governed by the Refugees and Displaced Persons (Status) Act of 21 May 1999. This Act provides for the granting of humanitarian assistance to refugees and forcibly displaced persons. The question of the naturalization of refugees and forcibly displaced persons, which has been raised by eminent legal experts, was dealt with in the Citizenship Act of October 1998. Under this Act, refugees who resettled in Azerbaijan between January 1988 and January 1992 inclusive are Azerbaijani citizens and enjoy all the rights attaching to this status. It should be noted that an Act on social welfare for forcibly displaced persons and persons of equivalent status was adopted on 21 May 1999 with a view to the implementation of measures for their accommodation and social protection, as well as to determine the obligations of State bodies in this respect. The Act envisages the provision of housing, jobs and material assistance for the above-mentioned persons. Forcibly displaced persons are entitled to certain benefits under the Act.

It should be noted that the Azerbaijan Republic on 8 December 1992 acceded to the United Nations Convention relating to the Status of Refugees of 28 July 1951 and the Protocol thereto of 18 November 1966.

The leadership of the Azerbaijan Republic pays particular attention to the problem of poverty and its elimination. A Presidential Decree of 2 March 2001 established a special commission to prepare a State programme on poverty alleviation, the main aim of which is to formulate a State strategy in this sphere, as well as to prepare and implement practical and effective measures. The Commission works in close cooperation with State bodies, scientific institutions and non-governmental and social organizations.

Commentary by the Ministry of Culture of the Azerbaijan Republic on Commission on Human Rights resolutions 2001/36, 2001/41 and 2001/65

Azerbaijan is currently in the process of formulating a new cultural policy, of which the main priorities are the preservation and extension of the cultural heritage and development of the cultural diversity of the country, encouragement of the population's cultural activities and the involvement of all the various segments in social and cultural life.

The establishment of an independent State in Azerbaijan has, of course, been directly associated with the building of a democratic society in the country and consistent observance of United Nations standards, as laid down in the instruments adopted by the Organization. One such instrument is the 1949 Universal Declaration of Human Rights.

The above resolutions of the Commission on Human Rights are certainly an important step forward with respect to the attainment of the highest goals of the United Nations.

It is gratifying to note that the main targets set for Azerbaijan's cultural development correspond with the provisions contained in these resolutions. Thus, paragraph 7 of resolution 2001/36, which declares that all citizens should have equal access to public service, without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, fully accords with the basic trends in Azerbaijani society. We should point out, for example, that section 1, article 1, of the Culture Act of the Azerbaijan Republic stipulates as follows: "Everyone, irrespective of social or material status, nationality, race, religion and sex, has the right to create, enjoy and disseminate cultural riches."

As regards the paragraphs relating to the principle of the self-determination of nations, we would add that this principle must never conflict with the principles of the inviolability of State borders and of territorial integrity.

Resolution 2001/65, entitled "Promotion of a democratic and equitable international order", affirms that a democratic and equitable international order fosters the full realization of all human rights for all, and this reflects the policy being pursued by the President of the Azerbaijan Republic to achieve democracy and stability in the country, the region and worldwide. Paragraph 3 (i), (j) and (m) of this resolution directly concerns matters relating to the culture of every country. Subparagraph (j), for example, calls for "respect for cultural

diversity and the cultural rights of all, since this enhances cultural pluralism, contributes to a wider exchange of knowledge and understanding of cultural backgrounds, advances the application and enjoyment of universally accepted human rights across the world and fosters stable, friendly relations among peoples and nations worldwide". All of the foregoing is, of course, very important for the implementation of a full-fledged cultural policy both within and outside the country. Subparagraph (m) underscores the importance of the enjoyment by everyone of ownership of the common heritage of mankind, which also has a great role to play in bringing nations and States closer together and ensuring mutual understanding and stability throughout the world.

It may be noted in this context that the Ministry of Culture of the Azerbaijan Republic, which attaches the utmost importance to this issue, is now working on a joint project with OSCE entitled "Cultural pluralism", under which it is planned to hold a workshop on matters concerning national minorities and an "All Azerbaijan" photographic exhibition, as well as to produce an informational compendium on the same theme. These events are due to be held in the autumn and winter of this year.

In view of the above, the Ministry of Culture of the Azerbaijan Republic supports and endorses the adoption and implementation of Commission on Human Rights resolutions 2001/36, 2001/41 and 2001/65.

CUBA

[27 July 2001]
[Original: Spanish]

The comments of the Government of Cuba concerning resolutions 2001/36 and 2001/41, both relating to international cooperation for the promotion and consolidation of democracy, are as follows:

The Government of the Republic of Cuba attaches particular importance to the promotion and consolidation of democracies throughout the world and has therefore followed with great interest efforts to that end within the United Nations system.

Although the international community may rejoice at significant advances, such as the end of the apartheid regime in South Africa and the dismantling of colonialism in many countries that have joined the free community of nations, there is still a long way to go and the dangers and pernicious tendencies that have prevailed in recent years as a result of the determination of a small group of rich and powerful countries to impose their supposedly democratic views and systems have been aggravated.

For Cuba the very essence of the concept of democracy is the power of the people, which is multidimensional, encompassing the exercise of power and decision-making in political as well as economic, social and cultural affairs.

The institutionalization of democracy and democratic models in the history of different civilizations and cultures, from ancient Greece to our times, have taken on a great many forms. It is precisely in diversity that the wealth of the community of democracies is to be found.

That is why the international community must remain vigilant and resist any negative tendencies that emerge in the work of some intergovernmental organizations of the United Nations system, be it in the Commission on Human Rights or the General Assembly itself. These include:

1. Manipulation of international cooperation for the promotion and consolidation of democracies by a small group of rich and powerful countries bent on domination with total disregard for the right of peoples to self-determination.

2. The desire to impose a single model of democracy, the so-called bourgeois liberal democracy, which regards itself as a universal pattern that must be followed.

3. The policy of restricting the foundations of democracy to civil and political rights, in particular the so-called "bourgeois" fundamental freedoms, to the detriment of the other categories of human rights.

4. The determination of a number of industrialized powers to manipulate a so-called "right to democracy" in order to legitimize aggression and military intervention against developing countries.

5. The growing number of conditions imposed by donors on development assistance to countries of the South, to the detriment of their peoples' right to determine their needs and priorities themselves.

6. The industrialized powers' attempt, as part of their interventionist policies, to manipulate the institutions of the United Nations system, to the detriment of the South, while endeavouring to secure their own immunity from scrutiny.

The very recent attempt to impose on the General Assembly the adoption of a "Democratic Code of Conduct" for States is just one of the manifestations, albeit the most dangerous, of the combination between several earlier tendencies.

The so-called bourgeois liberal democracy, which would appear to have functioned with serious limitations in western countries, has proved ineffective in other contexts. The hypothesis of its universal superiority cannot be successfully argued.

The United Nations could play an effective role in fostering cooperation and dialogue for the promotion and consolidation of democracy, if it could neutralize the acts of imperialist manipulation of the concept of democracy, especially by the United States.

With that aim in mind, Cuba submitted to the Commission on Human Rights at its fifty-seventh session a draft resolution entitled "Strengthening of popular participation, equity, social justice and non-discrimination as essential foundations of democracy", which was adopted by an absolute majority of the Commission's members.

The unity of the developing countries and the struggle for the strictest respect for the right of peoples to self-determination and for the principles enshrined in the Charter of the United Nations will be a key factor of future success. Cuba will pursue its commitment to this process.

The Republic of Cuba anchors its democratic system in the principles of freedom, popular participation, social justice, individual and collective welfare and human solidarity. Sovereignty resides in the people, from which the power of the State emanates.

While Cuba deems it important to reaffirm the importance of respect for the shared democratic values of all peoples, it will defend and protect the right to a diversity of democratic experiences and systems. The Government of Cuba has the sacred duty to defend the democratic order chosen by its people, which, in a universal referendum, approved the Constitution of the Republic by an overwhelming majority.

TURKEY

[1 November 2001]
[Original: English]

Observations of the resolution of the Commission on Human Rights on strengthening popular participation, equity, social justice and non-discrimination as essential foundations of democracy

Article 2 of the Constitution of the Republic of Turkey enumerates the characteristics of the Republic: the Republic is a secular, democratic, and social State, respectful of human rights and governed by the rule of law. Article 4 states that these characteristics are the immutable principles of the Constitution.

Popular participation in government and a government responsive to the needs and aspirations of the people are inherent in the principle of a democratic State. This principle is reflected in many articles of the Constitution. Under article 67, elections and referenda are to be conducted on the basis of free, equal, secret, direct and universal suffrage, and the open counting and sorting of the ballots. Every Turkish citizen who has reached the age of 18 is entitled to vote. Under article 79, the administration and supervision of elections is carried out by the Supreme Board of Elections, composed solely of high ranking judges elected by the two supreme courts of Turkey: the Court of Cassation and the Counsel of State (the supreme administrative court). Under articles 67 and 68, political parties are indispensable elements of democratic life. Parties may be formed without prior permission and may be closed down only by the Constitutional Court when it is proven that they have become a focus of anti-constitutional activities.

Concern for equity and social justice is embodied in the principle of the social State and its many reflections in various articles of the Constitution. As part of its adherence to the philosophy of the social State, the Constitution explicitly recognizes the right to development and entrusts the State with the task of removing political, social and economic obstacles in the way of the individual's search for self-development. In accordance with article 5, "the fundamental objectives and duties of the State are ... to provide for the welfare, peace and happiness of the individual and society; to strive for the removal of political, social and economic obstacles which limit the fundamental rights and freedoms of the individual in a manner irreconcilable with the principles of justice and of the social State governed by the rule of law; and to provide the conditions required for the development of the individual's physical and moral existence". In accordance with the principle of the social State, the Constitution has recognized all the essential social and economic rights commonly found in modern democratic constitutions, such as the right to work, the right to leisure, the right to form labour unions, the right of collective bargaining, the right to strike, the right to a just wage, the right to health, the right to housing and the right to social security.

Finally, the principle of non-discrimination is securely embodied in article 10, which states that "everyone is equal before the law without any discrimination based on language, race, colour, sex, political opinion, philosophical creed, religion, sect or similar reasons. There can be no privilege for any person, family, group or class."

Observations on the resolution of the Commission on Human Rights on continuing dialogue on measures to promote and consolidate democracy

The Republic of Turkey is fully committed to a democratic and social State respectful of human rights. These characteristics have been enumerated in article 2 of the Constitution and have been cited among the immutable principles of the Constitution in article 4. Turkey also fully believes that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing.

Popular participation in government and a government responsive to the needs and aspirations of the people are inherent in the principle of a democratic State. This principle is reflected in many articles of the Constitution, particularly articles 67 and 79. Under article 67, elections and referenda are to be conducted on the basis of free, equal, secret and universal suffrage, and the open counting and sorting of the ballots. Article 79 provides for judicial administration and supervision of elections. In accordance with articles 67 and 68, political parties are indispensable elements of democratic life. Parties may be formed without prior permission and may be closed down only by the Constitutional Court when it is proven that they have become a focus of anti-constitutional activities.

Turkey has had a democratic political life for more than half a century and is willing to share her democratic experience with other countries with a view to promoting and consolidating democracy everywhere in the world.

Observations on the resolution of the Commission on Human Rights on the promotion of a democratic and equitable international order

The Republic of Turkey is fully committed to a democratic and social State respectful of human rights. These characteristics have been enumerated in article 2 of the Constitution and have been cited among the immutable principles of the Constitution in article 4. Turkey also fully believes that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing.

Popular participation in government and a government responsive to the needs and aspirations of the people are inherent in the principle of a democratic State. This principle is reflected in many articles of the Constitution, particularly articles 67 and 79. Under article 67, elections and referenda are to be conducted on the basis of free, equal, secret and universal suffrage, and the open counting and sorting of the ballots. Article 79 provides for judicial administration and supervision of elections. In accordance with articles 67 and 68, political parties are indispensable elements of democratic life. Parties may be formed without prior permission and may be closed down only by the Constitutional Court when it is proven that they have become a focus of anti-constitutional activities.

A democratic government and a democratic way of life are among the most cherished values of Turkish society. Turkey supports all efforts to promote a democratic and equitable international order.

UNAIDS

[11 July 2001]
[Original: English]

Resolutions 2001/36, 2001/41 and 2001/65 are extremely relevant in the context of HIV/AIDS. An effective response to the HIV/AIDS epidemic requires the implementation of all human rights, civil and political, economic, social and cultural, and fundamental freedoms of all people, in accordance with existing international human rights standards. This in turn requires strengthening of popular participation, equity, social justice, and non-discrimination as essential foundations of democracy.

UNAIDS, in collaboration with other partners has focused on establishing participatory, transparent and accountable national frameworks for responding to the epidemic. The International Guidelines for HIV/AIDS and Human Rights jointly published by the OHCHR and UNAIDS are valuable in this regard.

The provisions of Guidelines 1 to 3 are most pertinent. For example, Guideline 1 calls for "States to establish an effective national framework for their response to HIV/AIDS which ensures a coordinated, participatory, transparent and accountable approach, integrating HIV/AIDS policy and programme responsibilities, across all branches of government." Practical examples of activities that have been effective in strengthening good governance in these areas exist in many countries:

The Thai National AIDS Prevention and Control Committee has been chaired by the Prime Minister. The Thai NGO Coalition on AIDS is a member of the Committee;

The South African Cabinet established a 10-member special inter-ministerial committee under the Deputy President dealing with HIV/AIDS in the portfolios of: education; health; welfare and population; home affairs; correctional services; defence; culture, science and technology; agriculture and land affairs; and transport;

The French inter-ministerial committee was formed in 1994 to coordinate the national response to AIDS;

The British Special AIDS Cabinet Committee with a large budget was created in 1986 when AIDS became the focus of a high-profile political campaign;

The Malawi Cabinet Sub-Committee on HIV/AIDS is chaired by the Vice-President;

The Ghana National Commission on HIV/AIDS in Ghana is chaired by the Vice President of the Republic of Ghana.

Guideline 2 provides that "States should ensure, through political and financial support, that community consultation occurs in all phases of HIV/AIDS policy design, programme implementation and evaluation and that community organizations are enabled to carry out their activities, including in the fields of ethics, law and human rights, effectively." Implementation of this guideline has advanced participation of civil society in the response:

In Uganda the AIDS Support Service (TASO) was established as a small self-help group in 1987 and has now grown to having 150 staff and almost 2,000 volunteers.

Thailand has also some very successful grass-roots support organizations, such as the Wednesday Friends' Club run by the Red Cross, the Duang Prateep Foundation in Bangkok and the New Life Friends in Chiang Mai. In northern Thailand, a district model has been used by CARE in villages which provides comprehensive community care and focuses on strengthening community partnership and ownership with integrated programming, including the development of clear anti-discrimination policies in training.

The Philippine National AIDS Council was formed in 1992 as a multi-sectoral body to advise the President on policy development and coordinate implementation of a national strategy. It has 13 government and 7 NGO representatives, including the President of the PLHA organization. The Council formulated a National AIDS Prevention Strategy, using a national consultative process, which was respectful of human rights. A key achievement of the Strategy is the mainstreaming of AIDS information and education in government departments responsible for education and the interior. The Olongapo City AIDS Foundation established in 1992 at local level has a successful community-based approach in its massive information campaigns, and care and support programme. The Inter-Agency HIV/AIDS Network was formed in 1995 in the province of Palawan where there have been no reported case of HIV/AIDS. The Network consists of five government and four private and five non-governmental organizations and uses prevention information and education campaigns, mobilizes an appropriate community response, links multi-sectoral expertise, and integrates HIV/AIDS into members' programmes.

With regard to non-discrimination, Guideline 5 states that "States should enact or strengthen anti-discrimination and other protective laws that protect vulnerable groups, people living with HIV/AIDS and people with disabilities from discrimination in both the public and private sectors, that will ensure privacy and confidentiality and ethics in research involving human subjects, emphasize education and conciliation and provide for speedy and effective administrative and civil remedies." States have advanced this at the national level:

The Philippines AIDS Prevention and Control Act enacted in 1998 is a comprehensive act which integrates human rights principles. Its provisions include prohibiting discrimination on the basis of actual, perceived or suspected HIV status in the areas of employment, schools, travel, public service, credit and insurance, health care and burial services; requiring written informed consent and prohibiting compulsory HIV testing (such as for employment, travel, medical services and admission to educational institutions, etc.), unless authorized by the Act (e.g. for blood or organ donation); guaranteeing the right to confidentiality, subject to certain exceptions, e.g. court proceedings (but with a requirement to seal medical records, only to be opened by the judge); establishing universal infection control guidelines for surgical, dental, embalming, tattooing and similar procedures; prohibiting misleading advertising of drugs and other products for HIV/AIDS prevention, treatment or cure; requiring educational authorities to integrate HIV/AIDS prevention education at intermediate, secondary and tertiary levels (although limits are placed on the use of explicit materials and promotion

of birth control); mandating HIV/AIDS information as a health service, and requiring specific programmes in the workplace, of local governments and for overseas travellers, tourists and other communities; and recognizing the role and experience of affected individuals in information and education campaigns, as well as providing access to health care, community-based services and self-help programmes

The United States, Canada, South Africa, Australia, New Zealand, Hong Kong, France and the United Kingdom have general anti-discrimination legislation which prohibits unfair and irrelevant distinctions being made on specified grounds, including disability. These laws exist in various forms, either constitutionally based or under special civil or criminal legislation.

The Hong Kong Disability Discrimination Ordinance was enacted in 1995.

Guidelines 1, 2 and 6 aim at creating a legal and policy framework that fosters good governance and of which the principles of participation, equity, social justice and non-discrimination are central components. This is a good basis for promoting consideration of the applicability of the above resolutions in the context of HIV/AIDS.